

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 19163 of 1995

Between:

1.Vetukuri Prasada Raju S/o Subbaraju, R/o Tadinada,

Kalidindi Mandal, Krishna District.

2.Thotakura Ranga Raju S/o Venkataraju, R/o Tadinada,

Kalidindi Mandal, Krishna District.

3.Dendukuri Vijayrama Raju S/o Ramakrishna Raju, R/o Tadinada,

Kalidindi Mandal, Krishna District.

4.Kalidandi Krishnamraju S/o Satyanarayan Raju, R/o Tadinada,

Kalidindi Mandal, Krishna District.

5.Mudundi Satyanarayan Raju S/o Seetharama Raju, R/o Tadinada,

Kalidindi Mandal, Krishna District.

6.Namburi Subba Raju S/o Satyanarayana Raju, R/o Tadinada,

Kalidindi Mandal, Krishna District.

7.Namburi Raghavarju S/o Rama Raju, R/o Tadinada,

Kalidindi Mandal, Krishna District.

8.Namburi Venugopal Raju S/o Appalarama Raju, R/o Tadinada,

Kalidindi Mandal, Krishna District.

9.Kunaparaju Maraju S/o Seetharama Raju, R/o Tadinada,

Kalidindi Mandal, Krishna District.

10.Tirumani Gruhalakshmi W/o Marayya, R/o Tadinada,

Kalidindi Mandal, Krishna District.

11.Ponnamandi Yesy Raju S/o Ponnamandi Venkata Naidu, R/o Tadinada, Kalidindi Mandal, Krishna District.

12.Vatala Dasaratha Ram S/o Pentayya, R/o Tadinada,

Kalidindi Mandal, Krishna District.

13.Tirumalsetti Nageswara Rao S/o venkata reddy, R/o Tadinada,

Kalidindi Mandal, Krishna District.

..... PETITIONERS

AND

1.The District Collector, Krishna at Machilipatnam.

2.The Commissioner, Panchayat Raj, Government of A.P., Hyderabad.

3.Government of A.P., rep., by its Secretary, Panchayat Raj, Secretariat Buildings, Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more especially one in the nature of Writ of Mandamus declaring the notification dt.12-5-95 in RC.No.2581/95 Panchayat .8 of the 1st respondent as wholly illegal, arbitrary and consequently set aside the same, and direct the 1st Respondent to conduct enquiry as per enquiry Section-3 of the A.P. Panchayat Raj Act, 1994.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL

DEVELOPMENT

The Court made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.19163 OF 1995

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ORAL ORDER:

Heard both sides.

2. Challenging the Notification, dated 12-05-1995, of the first respondent bifurcating certain villages from Tadinada Gram Panchayat and constituting a new Gram Panchayat i.e., Chinna Tadinada Gram Panchayat, the present writ petition has been filed.

3. While admitting the writ petition on 29-09-1995, no interim stay of the impugned Notification has been granted by this Court.

4. In this regard, it is to be seen that Rule-10 of G.O.Ms.No.515

Panchayat Raj & Rural Development & Relief (Mandal), dated 17-08-1994, postulates that only the Gram Panchayats, if aggrieved, can challenge any bifurcation by way of revision before the Government.

5. In the present case, it is the individuals who filed the present writ petition.

6. Further more, there is no interim order suspending the impugned Notification. The writ petition is of the year 1995. Since the impugned Notification was of the year 1995, at this length of time, I do not find any justifiable reason to go into the present controversy.

7. Viewed from any angle, the writ petition is devoid of merits and is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

D.S.R.VARMA, J

04TH NOVEMBER 2004

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To:

- 1.The District Collector, Krishna at Machilipatnam.**
- 2.The Commissioner, Panchayat Raj, Government of A.P., Hyderabad.**
- 3.The Secretary, Panchayat Raj, Government of A.P., Secretariat Buildings, Saifabad, Hyderabad.**
- 4.Two CCs to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT).**
- 5.Two CD copies.**